

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**CRIMINAL NO. 3:18-CR-179-CWR-LRA**

**DARRYL DE'MONTE THOMPSON**

**ORDER DENYING MOTION TO DIMISS**

Before the Court is the defendant's Motion to Dismiss Count Two of the indictment. Docket No. 33. The Court held a hearing on the matter on April 18, 2019. After reviewing the briefings and hearing the arguments, the Court denies the motion.

The Fifth Circuit maintains that Hobbs Act robbery (18 U.S.C. § 1951(a)) qualifies as a predicate "crime of violence" (COV) under 18 U.S.C. § 924(c)(3)(A). *See United States v. Buck*, 847 F.3d 267, 274 (5th Cir. 2017); *see also United States v. Curtis*, 755 F. App'x 435 (5th Cir. Mar. 4, 2019). Furthermore, the two cases urged by the defendant, *U.S. v. Davis* and *U.S. v. Lewis*, do not support dismissal of this count. 903 F.3d 483 (5th Cir. 2018) and 907 F.3d 891 (5th Cir. 2018). All other arguments presented by the defendant are also unavailing. Therefore, the motion is denied.

**SO ORDERED**, this the 18th day of April, 2019.

s/ Carlton W. Reeves  
UNITED STATES DISTRICT JUDGE